

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FLOYD ALLEN HARDRICK,
JR., *et al.*,

Plaintiffs,

v.

Case No. 2:15-cv-13884
District Judge Nancy G. Edmunds
Magistrate Judge Anthony P. Patti

THE CITY OF DETROIT, *et
al.*,

Defendants

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS'
MOTION TO QUASH AND FOR PROTECTIVE ORDER (DE 39)**

This matter is before the Court for consideration of Defendants' motion to quash subpoena and for protective order (DE 39), Plaintiffs' response (DE 46), and the parties' joint statement of resolved and unresolved issues (DE 65). In their motion, Defendants ask the Court to quash the subpoena and issue a protective order to preclude Plaintiffs from deposing non-party witness, Dr. Marilyn Berkley.

The parties, through counsel, came before me for a hearing on this matter on August 1, 2016. For the reasons stated on the record, Defendants' motion to quash is **DENIED** for lack of standing and for mootness. Defendants' motion for protective order is **GRANTED IN PART AND DENIED IN PART**.

Specifically, Plaintiffs are entitled to depose Dr. Berkley, but only for the purposes of trial preparation, and may use Dr. Berkley's deposition testimony for any

purposes at trial that are authorized by the rules. Plaintiffs are precluded from using Dr. Berkley's deposition testimony in any response to the Defendants' pending motion for summary judgment.¹ (DE 55.)

IT IS SO ORDERED.

Dated: August 3, 2016

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the document was sent to parties of record on August 3, 2016, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the

Honorable Anthony P. Patti

¹ If Defendants choose to supplement their motion for summary judgment using information from the deposition of Dr. Berkley, however, Plaintiffs may use the deposition testimony to respond to the supplemental material.